

**TESTIMONY OF**  
**WILLIAM W. MILLAR, PRESIDENT**  
**AMERICAN PUBLIC TRANSPORTATION ASSOCIATION**  
**BEFORE THE**  
**SUBCOMMITTEE ON HIGHWAYS, TRANSIT AND PIPELINES**  
**OF THE**  
**HOUSE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE**  
**ON**  
**TRANSIT AND OVER-THE-ROAD BUS SECURITY**

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**March 29, 2006**

**SUBMITTED BY**

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**APTA is a nonprofit international association of over 1,600 public and private member organizations including transit systems and commuter rail operators; planning, design, construction and finance firms; product and service providers; academic institutions; transit associations and state departments of transportation. APTA members serve the public interest by providing safe, efficient and economical transit services and products. Over ninety percent of persons using public transportation in the United States and Canada are served by APTA members.**

Mr. Chairman, thank you for this opportunity to provide testimony to the Subcommittee on the security and safety of public transportation systems. We appreciate your interest in public transportation security, and we look forward to working with you on this issue.

Mr. Chairman, I want to thank the Committee on Transportation and Infrastructure for introducing and reporting the "Public Transportation Terrorism Prevention and Response Act of 2004," H.R. 5082, in the 108<sup>th</sup> Congress. As you know, this legislation would have authorized \$3.5 billion in transit security grant funding over a three-year period for transit systems. I want to thank the Committee for its leadership on transit security issues and look forward to working with you in that regard during the coming year.

## **OVERVIEW**

Mr. Chairman, public transportation is one of our nation's critical infrastructures. We cannot overemphasize the importance of our industry to the economic vitality and quality of life of the nation. Our citizens take more than 9.6 billion transit trips each year. People use public transportation vehicles over 32 million times each weekday--more than sixteen times the number of daily travelers on the nation's airlines.

Safety and security are the top priority of the public transportation industry. Transit systems took many steps to improve security prior to 9/11 and have significantly increased efforts since then. Since September 11, 2001, public transit agencies in the United States have spent more than \$2 billion on security and emergency preparedness programs and technology from their own budgets with only minimal federal funding. Last year's terrorist bombings in London and the previous year's terrorist attacks in Madrid highlight the need to strengthen security on public transit systems and to do so without delay. We simply should not be waiting for another wakeup call like the terrorists bombings in London and Madrid or to find ourselves in a reactionary mode should terrorists strike again in our country.

We urge Congress to act decisively on this issue. While transit systems are doing their part, protection against terrorist attacks is clearly a federal responsibility and the federal government needs to increase spending on transit security. In light of the documented needs, we respectfully urge Congress to provide at least \$560 million in the Fiscal Year (FY) 2007 Homeland Security Appropriations bill for transit security grants to assist transit systems to help address the \$6 billion in identified transit security investment needs. Funding at this level annually would allow for dramatic improvement in security for the nation's transit users over a 10 year period. Federal funding for transit security should address both hard and soft costs as described below. We also urge Congress to provide \$500,000 to the Department of Homeland Security (DHS) so that DHS can in turn provide that amount in grant funding to the APTA security standards program which includes participation with our federal partners to assist with the development of transit security standards. In addition, we urge Congress to provide \$600,000 to maintain the Public Transit Information Sharing Analysis Center (ISAC).

With regard to improving the distribution of funds under the existing transit security programs, we recommend that the existing process for distributing DHS grants be modified so that funds are made directly to transit authorities, rather than through State Administrating Agencies (SAA). We believe direct funding to the transit authorities would be quicker and cheaper. The current process and grant approval procedures have created significant barriers and time delays in getting funds into the hands of transit agencies and thus productively used.

## **BACKGROUND**

In 2004, APTA surveyed its U.S. transit system members to determine what actions were needed to improve security for their customers, employees and facilities. In response to the survey, transit agencies around the country identified in excess of \$6 billion in transit security investment needs. State and local governments and transit agencies are doing what they can to improve security, but it is important that the federal government be a full partner in the effort to ensure the security of the nation's transit users.

In FY 2003, \$65 million in federal funds were allocated by DHS to 20 transit systems. In FY 2004, \$50 million was allocated by DHS for 30 transit systems. For the first time in FY 2005, Congress specifically appropriated \$150 million for transit, passenger and freight rail security. Out of the \$150 million, approximately \$130 million went to transit agencies—almost \$108 million for rail transit and more than \$22 million for bus. Also, passenger ferries received an additional \$5 million for security from a separate account. In FY 2006, Congress appropriated \$150 million for transit, passenger and freight rail security. DHS is currently deciding how to allocate this funding among the eligible modes of transportation. While we are appreciative of this effort, in the face of significant financial needs more needs to be done.

Transit authorities have significant and specific transit security needs. Based on APTA's 2003 Infrastructure Database survey, over 2,000 rail stations have no security cameras. According to our 2005 Transit Vehicle Database, 53,000 buses, over 5,000 commuter rail cars, and over 10,000 heavy rail cars have no security cameras. Fewer than one-half of all buses have automatic vehicle locator systems (AVLs) that allow dispatchers to determine the location of a bus when an emergency occurs. Nearly 75 percent of demand response vehicles lack these AVLs. Further, no transit system has a permanent biological detection system. In addition, only two transit authorities have a permanent chemical detection system. Major financial investments through DHS are essential to address these needs.

We are disappointed that the Administration proposed only \$600 million for a Targeted Infrastructure Protection Program in the FY 2007 DHS budget proposal which would fund infrastructure security grants for transit, seaports, railways and other facilities. We ask that the Administration and Congress provide a specific line item funding for transit security. This is what Congress has done during the last two years of DHS appropriations. We look forward to working with the Administration and Congress to secure adequate transit security funding that begins to address unmet transit security needs throughout the country.

## **SECURITY GRANT PROGRAM**

The DHS's Office of Grants and Training (G&T) is responsible for the distribution of the transit security grant program. G&T should be commended for reaching out to the transit industry as it has participated in numerous listening sessions on our concerns. Staff from G&T have attended APTA conferences and participated in transit security panel discussions. G&T staff have conducted various conferences in different regions of the country to explain the details of the transit security grant program to industry stakeholders. We continue to work with G&T on streamlining and improving the grant program but are frustrated with the results thus far.

Since the creation of the DHS, three separate offices have been responsible for the distribution of transit security grants. Funds were originally distributed by the Office for Domestic Preparedness (ODP). Then it became known as the Office of State and Local Government Coordination and Preparedness (SLGCP). Now it is known as the Office of Grants and Training (G&T).

Along with the organizational changes, each new office has changed the distribution process for the transit security grants. In FY 2003 under ODP, grants went directly to the transit authorities. In FY 2004 under SLGCP, grants went to the State Administating Agencies (SAAs), which then distributed grants to the transit systems. In FY 2005 under SLGCP, grants went through the SAAs, which then distributed grants to eligible transit systems on a regional basis in coordination with the urban area. Eligible transit systems were then required to work with the SAAs, the urban area, and the other eligible transit systems in their region to come up with a regional transit security plan on how to spend the federal funding before the transit system could be awarded the grant. Now under G&T, we are still waiting for the grant apportionments and guidance even though the FY 2006 Department of Homeland Security Appropriations bill that provided the transit security grant funding was signed into law on October 18, 2005 (P.L. 109-90).

The transit systems that have been allocated DHS funds are accustomed to receiving federal transit funding directly to designated recipients from the Federal Transit Administration (FTA) under a system established by the Transportation and Infrastructure Committee. We believe that using this grant making structure for security grants from DHS would be more efficient and productive. The FTA model has been in place for years and works well in distributing funds quickly to transit systems. In contrast, DHS's current process and conditions have created significant barriers and time delays in getting funds into the hands of transit agencies where they can be used to protect riders. We urge Congress to require that the transit security grants go directly to the transit authorities using the FTA process.

In that regard, we note that Section 3028, Subsection (c) of Safe, Accountable, Flexible, Efficient Transportation Equity Act—A Legacy for Users, SAFETEA-LU (P.L. 109-59) requires the Secretary of Transportation and the Secretary of the Department of Homeland Security to “issue jointly final regulations to establish the characteristics of and requirements for public transportation security grants, including funding priorities, eligible activities, methods for awarding grants, and limitations on administrative expenses.” We believe this rulemaking could be used to address our concerns and we asked the Committee to direct that it do so.

## **STANDARDS DEVELOPMENT**

APTA is a Standards Development Organization (SDO) for the public transportation industry. We are now in the process of applying our growing expertise in standards development to transit industry safety and security, best practices, guidelines and standards as well. We have already begun to initiate our efforts for security standards development and we are working with our federal partners at both DHS and Department of Transportation in this process. Through these initial meetings, I am pleased to report that our federal partners have agreed to support these efforts. We urge the Congress to provide \$500,000 to DHS for grant funding for APTA's security standards program which includes participation by DHS, by FTA and other federal partners in the development of such standards and practices consistent with what we have already been doing in the standards area. Our efforts in standards development for commuter rail, rail transit and bus transit operations have been significant and our status as a SDO is acknowledged by both the FTA and the Federal Railroad Administration (FRA). The FTA and the Transportation Research Board have supported our standards initiatives through the provision of grants.

## **INFORMATION SHARING**

Since the terrorist attacks of September 11, 2001, public transit systems across the country have worked diligently to strengthen their security plans and procedures and have been very active in training personnel and conducting drills to test their capacity to respond to emergencies. To the extent possible

within their respective budgets, transit systems have been incrementally hardening their systems to terrorist attack through the introduction of additional technologies such as surveillance equipment, access control and intrusion detection systems. While the transit systems have been diligent, they are unable to fully and quickly implement necessary security improvements without large financial assistance from the federal government.

A vital component of ensuring public transit's ability to prepare and respond to critical events is the timely receipt of security intelligence in the form of threats, warnings, advisories and access to informational resources. Accordingly, in 2003, the American Public Transportation Association, supported by Presidential Decision Directive #63, established an ISAC for public transit systems throughout the United States. A funding grant in the amount of \$1.2 million was provided to APTA by the Federal Transit Administration to establish and operate a successful Public Transit ISAC that operated 24 hours a day, 7 days a week, and gathered information from various sources, including DHS. The ISAC also passed information on to transit systems following a careful analysis of that information. However, given that the Federal Transit Administration was subsequently unable to access security funds, and given the decision of DHS to not fund ISAC operations, APTA has had to look for an alternate method of providing security intelligence through DHS's newly created Homeland Security Information Network (HSIN). APTA continues to work with DHS staff to create a useful HSIN application for the transit industry. It is clear, however, that while the HSIN may become an effective resource, it does not match the 24/7 two-way communication functions provided through the Public Transit ISAC. We believe that consistent, on-going and reliable funds from Congress should be provided for the Public Transit ISAC which has been proven an effective delivery mechanism for security intelligence. Therefore, we respectfully urge Congress to provide \$600,000 to maintain the Public Transit ISAC.

### **COST OF HEIGHTENED SECURITY**

Following the attacks in London, APTA was asked to assist the Transportation Security Administration (TSA) in conducting a teleconference between the TSA and transit officials to discuss transit impacts pertaining to both increasing and decreasing the DHS threat levels. There is no question that increased threat levels have a dramatic impact on budget expenditures of transit systems and extended periods pose significant impacts on personnel costs. The base costs totaled \$900,000 **per day** for US public transit systems or an estimated \$33.3 million from July 7 to August 12, 2005 during the heightened state of "orange" for public transportation. This amount does not include costs associated with additional efforts by New York, New Jersey and other systems to conduct random searches.

Many transit systems are also implementing other major programs to upgrade security. For example, New York's Metropolitan Transportation Authority (NY-MTA) is taking broad and sweeping steps to help ensure the safety and security of its transportation systems in what are among the most extensive security measures taken by a public transportation system to date. NY-MTA will add 1,000 surveillance cameras and 3,000 motion sensors to its network of subways and commuter rail facilities as part of a \$212 million security upgrade announced late last year with the Lockheed Martin Corporation. In fact, NY-MTA plans to spend over \$1.1 billion between now and 2009 on transit security.

### **SECURITY INVESTMENT NEEDS**

Mr. Chairman, since the awful events of 9/11, the transit agencies have invested more than \$2 billion of their own funds for enhanced security measures. At the same time, our industry undertook a comprehensive review to determine how we could build upon our existing industry security practices. This included a range of activities, which include research, best practices, education, information

sharing in the industry, and surveys. As a result of these efforts we have a better understanding of how to create a more secure environment for our riders and the most critical security investment needs.

Our latest survey of public transportation security identified enhancements of at least \$5.2 billion in additional capital funding to maintain, modernize, and expand transit system security functions to meet increased security demands. Over \$800 million in increased costs for security personnel, training, technical support, and research and development have been identified, bringing total additional transit security funding needs to more than \$6 billion.

Responding transit agencies were asked to prioritize the uses for which they required additional federal investment for security improvements. Priority examples of operational improvements include:

- Funding current and additional transit agency and local law enforcement personnel
- Funding for over-time costs and extra security personnel during heightened alert levels
- Training for security personnel
- Joint transit/law enforcement training
- Security planning activities
- Security training for other transit personnel

Priority examples of security capital investment improvements include:

- Radio communications systems
- Security cameras on-board transit vehicles and in transit stations
- Controlling access to transit facilities and secure areas
- Automated vehicle locator systems
- Security fencing around facilities

Transit agencies with large rail operations also reported a priority need for federal capital funding for intrusion detection devices.

Mr. Chairman, the Department of Homeland Security issued directives for the transit industry in May 2004 which required that transit authorities beef up security and to take a series of precautions which would set the stage for more extensive measures without any federal funding assistance. Transit systems have already carried out many of the measures that Transportation Security Administration (TSA) is calling for, such as drafting security plans, removing trash bins and setting up procedures to deal with suspicious packages. The cost of these measures and further diligence taken during times of heightened alert is of particular concern to us. We look forward to working with you in addressing these issues.

As you know, in the FY 2006 Homeland Security Appropriations bill (PL 109-90), TSA can hire rail inspectors using an \$8 million appropriation. We have concerns about this provision. We believe that funding for the inspectors would be better spent on things that would support the industry such as surveillance cameras, emergency communication and other systems rather than highlighting security issues without providing the necessary resources to address them. We look forward to working with you in addressing our concerns.

## **ONGOING TRANSIT SECURITY PROGRAMS**

Mr. Chairman, while transit agencies have moved to a heightened level of security alertness, the leadership of APTA has been actively working with its strategic partners to develop a practical plan to address our industry's security and emergency preparedness needs. In light of our new realities for security, the APTA Executive Committee has established a Security Affairs Steering Committee. This committee addresses our security strategic issues and directions for our initiatives. This committee will

also serve as the mass transit sector coordination council that will interface with DHS and other federal agencies forming the government coordinating council.

In partnerships with the Transportation Research Board, APTA supported two TCRP panels that identified and initiated specific projects developed to address *Preparedness/Detection/Response to Incidents* and *Prevention and Mitigation*.

In addition to the TCRP funded efforts, APTA has been instrumental in the development of numerous security and emergency preparedness tools and resources. Many of these resources were developed in close partnership with the FTA and we are presently focused on continuing that same level of partnership with various entities within DHS. Also, APTA has reached out to other organizations and international transportation associations to formally engage in sharing information on our respective security programs and to continue efforts that raise the bar for safety and security effectiveness.

## **CONCLUSION**

Mr. Chairman, in light of our nation's heightened security needs post 9/11, we believe that increased federal investment in public transportation security by Congress and DHS is critical. The public transportation industry has made great strides in transit security improvements since 9/11 but much more needs to be done. Therefore, we respectfully urge Congress to provide at least \$560 million in the FY 2007 Department of Homeland Security Appropriations bill for transit security grants to assist transit systems to continue to address the \$6 billion in identified transit security investment needs. Funding at this level annually would also allow for dramatic improvement in security for the nation's transit users over a 10 year period. We also respectfully urge Congress to provide \$500,000 to the Department of Homeland Security so that DHS can in turn provide that amount in grant funding to the APTA security standards program which includes participation of our federal partners to assist with the development of transit security standards and practices consistent with what we have already seen through the FTA. In addition, we respectfully urge Congress to provide \$600,000 to maintain the Public Transit ISAC. We urge Congress to require that the transit security grants go directly to the transit authorities.

We have also found that investment in public transit security programs, resources and infrastructures provides a direct benefit in preparation and response to natural disasters as well. We look forward to building on our cooperative working relationship with the Department of Homeland Security and Congress to begin to address these needs. We again thank you and the Subcommittee for allowing me to testify on these critical issues and look forward to working with you on safety and security issues.